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WASHINGTON, DC 200363307

EXAMINER

GAUTHIER, GERALD

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2645

16

DATE MAILED: 09/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/181,568

Applicant(s)

KAUFMAN, STEVEN B

Examiner

Gerald Gauthier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 19-34 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 19-34 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1, 3-4, 6-9, 19-20, 22-23, 25-28 and 30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Riskin (US 4,757,267) in view of Reilly et al. (US 5,740,549).

Regarding **claim 1**, Riskin discloses a telephone system for connecting a customer to a supplier of goods (column 1, lines 8-10), (which reads on claimed "a server adapted to provide broadcast information relevant to a locality to a plurality of localities"), the server comprising:

a processor (column 19, line 12 "processing instructions") within the server (column 19, lines 12-16) [The processing instructions tell the computer how to process telephone calls];

a call related information and broadcast information stream (column 8, line 7 "10 digits") relevant to a locality lookup table (column 8, line 14 "a DN-EXT table") within the server accessible by the processor and associating call related information entries

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(column 8, line 6 "caller's telephone number") with respective broadcast information streams (column 8, line 16 "Advertisement is referring to the "current advertising news") relevant to a locality (column 8, lines 3-12) [The CDSC Remote RC acquires two data items the caller's telephone number and the dialed number from the telephone network to search a table that yield an advertisement product];

a plurality of stored broadcast information streams (column 8, line 16 "Advertisement is referring to the current advertising news of a certain advertiser or product") of current news (column 8, line 16 "Advertisement is referring to the current advertising news") relevant to a locality (column 8, lines 37-41) [The caller's telephone number is searched in the file for a dealer nearest the caller and the advertised product is delivered]; and

wherein the processor is adapted to identify a specific one of the plurality of stored broadcast information streams (column 8, line 16 "Advertisement is referring to the current advertising news") relevant to a locality (column 8, line 45 "dealer near by") for downloading a real-time audible representation (column 8, line 47 "the subject of the call") of the one of the plurality of stored broadcast information streams (column 8, line 16 "Advertisement is referring to the current advertising news") relevant to a locality (column 8, line 39 "Nearest Neighbor") to a caller (column 8, line 6 "caller's telephone number") based only on call related information (column 8, line 6 "caller's telephone number") received with respect to an incoming call (column 8, lines 41-47) [The system retrieves the dealer's telephone number based on the caller's telephone number and bridge the call to the caller when the nearest dealer answer the call].

Riskin fails to disclose the information stored within a server.

However, Reilly teaches the information stored within a server (column 4, lines 23-38).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the information server that stored within a server, a plurality of news stories and sports of Reilly in the LDC database computer of Riskin.

The modification of the invention would offer the capability of the information server that stored within a server, a plurality of news stories and sports such as the information server would update a database of information items.

Regarding **claim 3**, Riskin discloses a telephone line interface in communication with the processor (column 19, lines 12-16).

Regarding **claim 4**, Riskin discloses a modem in communication with the processor (column 12, lines 13-15).

Regarding **claim 6**, Riskin discloses the call related information is at least a portion of a telephone number (column 8, lines 1-12).

Regarding **claims 7 and 22**, Riskin discloses the portion of the telephone number includes an area code (column 8, lines 1-12).

Regarding **claims 8 and 23**, Riskin discloses the portion of the telephone number includes an exchange number (column 8, lines 1-12).

Regarding **claims 9 and 25**, Riskin discloses the portion of the telephone number includes an area code and an exchange number (column 8, lines 1-12).

Regarding **claim 19**, Riskin discloses a telephone system for connecting a customer to a supplier of goods (column 1, lines 8-10), (which reads on claimed “a method of selecting a broadcast information stream relevant to a locality”), comprising:

receiving call related information (column 8, line 7 “10 digits”) relating to a calling party (column 8, line 6 “the caller’s telephone number”) by a server (column 8, lines 3-12) [The CDSC Remote RC acquires two data items the caller’s telephone number and the dialed number from the telephone network];

determining a desired one of a plurality of broadcast information streams of current news (column 8, line 16 “Advertisement is referring to the current advertising news of a certain advertiser or product”) relevant to a locality (column 8, line 39 “Nearest Neighbor”) for downloading to the calling party based only on the call related information by server (column 8, lines 37-41) [The caller’s telephone number is searched in the file for a dealer nearest the caller and the advertised product is delivered]; and

downloading a real-time audible representation (column 8, line 47 “the subject of the call”) of the desired one of the plurality of broadcast information streams relevant to

a locality (column 8, line 39 "Nearest Neighbor") to the calling party based only on the call related information (column 8, lines 41-47) [The system retrieves the dealer's telephone number based on the caller's telephone number and bridge the call to the caller when the nearest dealer answer the call].

Riskin fails to disclose the information downloaded by a server.

However, Reilly teaches the information downloaded by a server (column 4, lines 23-38).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the information server that stored within a server, a plurality of news stories and sports of Reilly in the LDC database computer of Riskin.

The modification of the invention would offer the capability of the information server that stored within a server, a plurality of news stories and sports such as the information server would update a database of information items.

Regarding **claim 20**, Riskin discloses the steps of receiving, determining, and downloading, are performed without intervention by a user (column 8, lines 1-47).

Regarding **claim 26**, Riskin discloses the step of determining is performed using a look up table (column 8, lines 13-17).

Regarding **claim 27**, Riskin discloses audibly playing the desired one of the plurality of broadcast information streams relevant to a locality (column 8, lines 41-47).

Regarding **claim 28**, Riskin discloses digitally transmitting over a telephone line the desired one of the plurality of broadcast information streams relevant to a locality (column 10, lines 34-42).

Regarding **claim 30**, Riskin discloses a telephone system for connecting a customer to a supplier of goods (column 1, lines 8-10), (which reads on claimed "a method of selecting a broadcast information stream") relevant to a locality (20 on FIG. 1), comprising:

means for receiving (column 8, line 3 "the CDSC Remote RC") call related information (column 8, line 7 "10 digits") relating to a calling party (column 8, line 6 "caller's telephone number") by a server (column 8, lines 3-12) [The CDSC Remote RC acquires two data items the caller's telephone number and the dialed number from the telephone network];

means for determining (column 8, line 14 "a table") a desired one of a plurality of broadcast information streams (column 8, line 16 "Advertisement is referring to the current advertising news of a certain advertiser or product") for downloading to the calling party based only on the call related information by the server (column 8, lines 37-41) [The caller's telephone number is searched in the file for a dealer nearest the caller and the advertised product is delivered]; and

means for downloading (column 8, line 41 "the dealer's telephone") a real-time audible representation (column 8, line 47 "the subject of the call") of the desired one of the plurality of broadcast information streams (column 8, line 45 "dealer") relevant to a

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locality (column 8, line 39 "Nearest Neighbor") to the calling party based on the call related information (column 8, lines 41-47) [The system retrieves the dealer's telephone number based on the caller's telephone number and bridge the call to the caller when the nearest dealer answer the call].

Riskin fails to disclose the information downloaded by a server.

However, Reilly teaches the information downloaded by a server (column 4, lines 23-38).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the information server that stored within a server, a plurality of news stories and sports of Reilly in the LDC database computer of Riskin.

The modification of the invention would offer the capability of the information server that stored within a server, a plurality of news stories and sports such as the information server would update a database of information items.

3. **Claims 2, 21 and 31-34** are rejected under 35 U.S.C. 103(a) as being unpatentable over Riskin in view of Reilly and in further view of Mitchell et al. (US 6,108,406).

Regarding **claims 2, 21 and 31-34**, Mitchell teaches the broadcast information stream relevant to a locality includes weather forecast information (column 2, lines 50-53).

4. **Claims 5 and 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Riskin in view of Reilly and in further view of Kennedy, III et al. (US 6,301,480).

Regarding **claim 5**, Kennedy teaches an audio player adapted to play the specific one of the plurality of stored broadcast information streams relevant to a locality through the telephone line interface (50 on FIG. 1).

Regarding **claim 24**, Kennedy teaches the call related information is Caller ID information (column 4, lines 60-67).

5. **Claim 29** is rejected under 35 U.S.C. 103(a) as being unpatentable over Riskin in view of Reilly and in further view of Fellingham et al. (US 6,442,244).

Regarding **claim 29**, Fellingham teaches storing the downloaded desired one of the plurality of broadcast information streams relevant to a locality in a voice messaging system associated with the calling party (column 4, lines 14-19).

Response to Arguments

6. Applicant's arguments filed July 11, 2003 have been fully considered but they are not persuasive.

The Applicant stated on page 5, ¶ 4 that Reilly fails to disclose a server used in conjunction with a system for downloading one of plurality of broadcast information.

The Examiner respectfully disagrees.

Reilly (column 14, lines 57-67) stated that the client computer sends its user profile to the assigned application server and the locally accumulated advertising are sent to the server. The client computer dials the server to get information and the information server can be located in the computer database of Riskin which would give the new information server the capacity to use the call related information to choose the local news and sport news for the subscriber.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.



g.g.

September 15, 2003

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

